

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION**

ANDREA WAINSCOTT, )  
                        )  
                        )  
Plaintiff,            )  
                        )  
                        )  
v.                     )       No. 4:22-cv-00098-TWP-KMB  
                        )  
                        )  
SWITZERLAND COUNTY Indiana,      )  
BRIAN MORTON in his personal and official    )  
capacity,              )  
                        )  
                        )  
Defendants.           )

**ORDER ON DEFENDANTS' MOTION FOR PARTIAL  
JUDGMENT ON THE PLEADINGS**

This matter is before the Court on a Motion for Partial Judgment on the Pleadings filed pursuant to Federal Rule of Civil Procedure 12(c)<sup>1</sup> by Defendants Switzerland County, Indiana, and Brian Morton (together, "Defendants") ([Filing No. 26](#)). On November 21, 2022, Plaintiff Andrea Wainscott ("Wainscott") filed an Amended Complaint against Defendants asserting three counts, respectively, violations of: (Count I) 42 U.S.C. § 1983; (Count II) Title VII of the Civil Rights Act of 1964 ("Title VII"); and (Count III) the Americans with Disabilities Act ("ADA") ([Filing No. 19](#)). Based on the Amended Complaint and their Answer ([Filing No. 24](#)), Defendants filed the pending Motion for Partial Judgment on the Pleadings on December 1, 2023, seeking to dismiss only Counts II and III of the Amended Complaint ([Filing No. 26](#)). Then on April 25, 2023, the parties filed a Joint Stipulation of Dismissal of Counts II and III of Plaintiff's Amended Complaint and Demand for Jury Trial ([Filing No. 47](#)) pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

---

<sup>1</sup> Defendants' Motion states it is filed pursuant to Federal Rule of Civil Procedure 12(b)(6), but Motions for Judgment on the Pleadings are governed by Rule 12(c).

Because the parties have jointly stipulated to the dismissal of Counts II and III of Wainscott's Amended Complaint, the Defendants' Motion for Partial Judgment on the Pleadings is **DENIED** as moot. ([Filing No. 26](#)).

**SO ORDERED.**

Date: 4/25/2023



Hon. Tanya Walton Pratt, Chief Judge  
United States District Court  
Southern District of Indiana

Distribution:

John H. Haskin  
JOHN H. HASKIN & ASSOCIATES, LLC  
jhaskin@jhaskinlaw.com

R. Jeffrey Lowe  
KIGHTLINGER & GRAY, LLP (New Albany)  
jlowe@k-glaw.com

Craig M. Williams  
John H. Haskin & Associates  
cwilliams@jhaskinlaw.com

Whitney Elizabeth Wood  
KIGHTLINGER & GRAY, LLP (New Albany)  
wwood@k-glaw.com